



**Senator Feinstein Urges Halt to Lame-Duck Efforts
to Split 9th Circuit Court of Appeals**
November 15, 2004

Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.) today announced opposition to efforts to include a plan to split the Ninth Circuit Court of Appeals in the Omnibus Appropriations Bill now being finalized for Congressional consideration this week.

In a letter to Senator Ted Stevens (R-Alaska), the Appropriations Committee Chairman, Senator Feinstein said, “it would be inappropriate to undertake such a momentous transformation of our nation’s judicial system with little opportunity for debate and consideration in a lame duck session.”

A separate letter from Mary M. Schroeder, Chief Judge of the 9th Circuit Court of Appeals, and her four most recent predecessors, was also sent to the Judiciary Committee Chairman, Senator Orrin Hatch (R-Utah), and the Committee’s ranking member, Senator Patrick Leahy (D-Vt.), strongly opposing a split of the 9th Circuit.

“Splitting a circuit is a rare event having only happened twice in our nation’s history. It should not happen without a thorough understanding of the complex issues involved and the resulting impact any division would have on the public to be served. If the circuit were split, the courts of the west would not be able to function effectively. This is particularly true today during this time of severe budget reductions. We need our courts to protect our security and our borders. Dismantling our circuit and replicating its administrative structure twice over is a waste of valuable and limited resources,” the judges wrote.

Attached is a copy of Senator Feinstein’s letter to Senator Stevens. Copies of the letter from Judge Schroeder and the other judges are available upon request.

November 12, 2004

The Honorable Ted Stevens
Chairman
Committee on Appropriations
United States Senate
S-128, Capitol
Washington, DC 20510

Dear Chairman Stevens:

It has recently come to my attention that there may be an effort to include language in the pending Omnibus Appropriations bill to split the U.S. Court of Appeals for the Ninth Circuit. I am writing to let you know of my strong objection to such a provision.

Splitting the Circuit carries large start up and operational costs. The Administrative Office of U.S. Courts recently estimated the start up cost of a three-way split to be \$131 million. Further, it would be inappropriate to undertake such a momentous transformation of our nation's judicial system with little opportunity for debate and consideration in a lame duck session. I emphasize that this is such an enormous change that I must use all parliamentary procedures at my disposal in order to oppose it. As a fuller explanation of my position on this issue, I have attached a recent statement I made on the Senate floor on this issue.

Thank you for your consideration of my views on this issue.

Sincerely,

Dianne Feinstein
United States Senator

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